UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,484	03/30/2001	Steve A. DeLuca	MSFT116242	1522

26389 7590 03/22/2005

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER	
BAUTISTA, XIOMARA L	

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,484	DELUCA ET AL.	
	Examiner	Art Unit	
	X L Bautista	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) *20-31* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19 and 32-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01 November 2004 have been fully considered but they are not persuasive.

A. Applicant argues, "Lin fails to teach or suggest a control device interface for centrally controlling a plurality of networked computing devices...fails to teach or suggest instructing each computing device represented by the selected graphical computing device icon to execute the instructions represented by the selected graphical action icon" (page 13, lines 1-5).

In response, Lin teaches in fig. 4, a development system (administrator's console 205) that monitors channel status and process errors (capacity, performance); the console is used for providing features of system monitoring, operation and maintenance support. Lin explains that for multiple systems (LAN 401), administration can be done through data network (col. 5, lines 18-58; col. 6, lines 10-23). Lin also teaches instructing devices to execute functions (col. 5, lines 28-44; col. 6, lines 24-45).

B. Applicant argues, "Tonelli fails to teach or suggest a method for centrally controlling a plurality of networked computing device...[and] instructing a networked computing device to execute instructions" (page 13, lines 16-18).

In response, Tonelli is not relied upon for centrally controlling networked computing devices, rather it is used for its teaching of a server represented by a graphical computing device icon.

C. Applicant argues, "Collier fails to teach or suggest a method for centrally controlling a plurality of networked computing devices...[and] instructing a network computing device to execute instructions" (page 14, lines 4-6).

In response, Collier is not relied upon for centrally controlling networked computing devices, rather it is used for its teaching of icons (function icons, condition icons) for assigning a corresponding action to a device, the rule being executed after evaluating conditions.

D. Applicant argues, "Lin 'does not teach that the server is represented by a graphical computing device icon...[and displaying a group of actions as an action icon and a group of computing devices as a computing device icon on the display, and instructing each computing device represented by the computing device icon to execute the group of actions represented by the action icon" (page 15, last paragraph).

In response, Lin is not relied upon for an icon representing a server, rather it is used for its teaching of controlling devices by using graphical icons representing actions and for instructing the devices to execute the instructions represented by the

action icons. Moreover, Tonelli is used for its teaching of device icons representing device objects on a network (servers); and Lin teaches objects representing actions, which instruct devices to execute instructions represented by icons.

E. Applicant argues, "the graphical action icons represent actions that are to be executed by each computing device represented by the selected graphical computing device icon...one of those actions is implementing a collection template for capacity planning...[which is] distinct from test running an application program designed by a developer...Lin does not discuss or describe wherein at least one graphical action icon in the set of graphical action icons implements a collection represented by the selected graphical computing device icon" (page 19, last line – page 20, lines 1-10). In response, claim 6 recites the limitation: wherein at least one graphical action icon in the set of graphical action icons implements a collection template for capacity planning in the one or more networked computing devices represented by the selected graphical computing device icon. Lin/Tonelli teaches one icon representing a computing device (server) and one action icon for implementing a collection template (script; control programs; instructions) for capacity planning (project; task; monitoring performance).

Specification

2. The disclosure is objected to because of the following informalities: "interface that allows that facilitates" should be changed to --interface that allows and facilitates-- (page 2, line 24); and "dedicated" should be changed to --dedicate--(page 17, line 24).

Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7, 10, 11 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lin et al* (US 6,061,512) and *Tonelli et al* (US 5,821,937).

Claims 1, 7 and 32:

Lin discloses a method of providing a computing device control interface (development tool), having a graphical user interface for displaying a set of graphical

icons (objects) having predefined properties and behavior. The set of objects define the functionality of the development tool. The development tool modifies the set of objects (software created objects) in accordance with new values of service parameters, and generates a set of server control signals (in the form of script file) as a function of a modified set of objects (actions to be executed), (col. 5, lines 28-44; col. 6, lines 44-55). The development tool allows modification of an object based on new values of parameters, and then this information is channeled from the changed object to another one or more of the objects (abstract; col. 3, lines 21-46). Lin teaches that the selected actions are to be executed by the server col. 3, lines 46-56; col. 4, lines 53-55; col. 5, lines 28-58; col. 6, lines 44-55; col. 29, lines 32-51). Lin teaches that the development system may be implemented in a (LAN) Local Area Network wherein a plurality of runtime engines may be interconnected (fig. 4; col. 6, lines 10-23). Lin does not teach a server represented by a graphical computing device icon. However, Tonelli discloses device icons that represent intelligent device objects on a network. The user is enabled to select a media type representing an intelligent media object, and connect the media type to the device icon (col. 2, lines 38-47; col. 4, lines 44-52). Tonelli teaches that the objects may represent devices including personal computers, servers, and other device categories (col. 1, lines 34-38, 59-62; col. 6, lines 51-58; col. 7, lines 6-13). Therefore, it would have been obvious to one ordinarily

skilled in the art at the time the invention was made to modify Lin's interface to include Tonelli's teaching of icons representing a server because it facilitates selection of functions and manipulation of the server to command execution of the functions (actions, events, tasks, etc.) selected by the user.

Claims 2-4, 33 and 34:

See claim 1. Lin teaches that the server comprises a script interpreter and a runtime engine, wherein the script interpreter converts a script file into runtime control signals for controlling the runtime engine (col. 3, lines 47-56). It is a function of the runtime engine to effect the desired application (automated server) based on the control signals provided by the script interpreter. That is, the runtime engine sends and receives messages (events, commands) to and from the script interpreter (col. 5, lines 28-44). Lin teaches that objects are created for an application and are stored on a storage means (data store) that can be implemented using a set of files. The scripts may be stored in files (col. 10, lines 6-14).

Claim 5:

Lin teaches that the development tool may be used to modify the set of objects in accordance with new values of service parameters, and generates the set of server control signals (script file) as a function of the modified set of objects (col. 3, lines 42-45).

Claim 6:

See claim 1. Lin teaches that each application to be developed is organized as an "application project" (project=planning) that is a collection of object instances that together describe the resources used by an application during development. (col. 10, lines 29-32; col. 12, lines 43-46). Lin teaches that the application developer can use the graphical user interface to invoke a test run (capacity, performance, etc.) of the screen files that have been created. Debugging capability allows developers to step through the execution of scripts and to monitor script variables (col. 12, lines 19-28). Tonelli teaches device pallets that are working subsets of the devices available from the device database, which is a relational database of templates that represent objects. The device icons correspond to intelligent objects built from the templates stored in the device database (col. 6, lines 51-58). Lin/Tonelli teaches action icons implementing a collection of templates for performance testing (capacity planning) in a computing device.

Claim 10:

Lin teaches that the invention may be embodied as computer readable program code means (col. 4, lines 3-9).

Claim 11:

Lin teaches a computer system having an operating system (col. 5, lines 1-9),

processor (col. 30, lines 13-17; col. 31, lines 6-9), and a memory (data store; fig. 8; col. 10, lines 6-20).

5. Claims 8 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lin/Tonelli* and *Collier et al* (US 5,815,152).

Claim 8:

See claim 1. Lin/Tonelli does not teach that action icons can assign a common priority for a corresponding action to each computing device represented by the selected graphical computing device icon. However, Collier discloses a method for defining graphic rules, wherein routing objects on a condition leg can be an automated task or a parallel object. A parallel routing object is a collection of tasks, which can be performed concurrently. All tasks defined as part of the parallel routing object must be completed prior to the system routing the case to the next task defined in the process (col. 8, lines 4-25). Therefore, it would have been obvious to an artisan in the art at the time the invention was made to modify Lin/Tonelli's system to include Collier's teaching of selecting a common priority (same time) to perform an action (task) for a group of objects (device icons) because it enables the user to determine what objects or group of objects will execute what action and synchronize the time of execution.

Claim 12:

See claim 8. Lin/Tonelli does not teach displaying a group of icons as an action icon and a group of computing devices as a computing device icon on the display, and instructing each computing device represented by the computing device icon to execute the group of actions represented by the action icon. However, Collier teaches a condition leg, which may have a series of action objects (col. 7, lines 22-35). Collier teaches that the user may create multiple rules, which are represented by a single icon (col. 3, lines 42-54; col. 4, lines 55-67); can add more conditions to a rule (col. 5,lines 17-34; col. 7, lines 7-8, 22-40).

Claim 13:

See claim 12. Collier teaches that an action object is an icon representing a specific action to be executed by the system. The user drags the action object off the toolbar to the condition leg and drops the action object on top of the condition leg (col. 7, lines 31-35).

Claims 14 and 15:

See claim 1. Lin/Tonelli teaches an archive file that corresponds to groups of actions represented by action icons, wherein the archive file is a script file (col. 3, lines 47-56; col. 5, lines 28-44; col. 10, lines 6-14).

Claim 16:

See claim 1. See Lin: figs. 11, 12.

Claim 17:

Lin teaches a mouse as a user interface selection device (col. 14, lines 14, 26, 65).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Lin/Tonelli* and *Vaughn et al* (US 6,353,446 B1).

Claim 9:

Lin/Tonelli does not teach that the computer device is a server computer in an enterprise network. However, Vaughn discloses a method for assisting a user in managing an enterprise network wherein a browser-based help desk window may be invoked by the user (service person). The help desk window includes trouble information fields for entering data related to client trouble calls. The user is enabled to embed the network visibility link onto the application toolbar using menu selection and drag-and-drop commands. Vaughn teaches that application launch button associated with other network management applications and/or servers may be embedded into the application toolbar (col. 2, lines 12-46; col. 5, lines 13-25, 46-67; figs. 1 & 3). Lin/Tonelli/Vaughn teaches an icon representing a server in an

enterprise network. Thus, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Lin/Tonelli's interface to include icons representing servers in an enterprise network because this type of network can span diverse geographical locations and usually includes a variety of different platforms, operating systems, protocols, and network architectures.

7. **Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lin/Tonelli/Collier and Vaughn*.**

Claim 18:

See claim 9. Lin/Tonelli/Vaughn teaches an icon representing a server in an enterprise network (col. 2, lines 12-46; col. 5, lines 13-25, 46-67; figs. 1 & 3).

Claim 19:

Lin teaches that the invention may be embodied as computer readable program code means having computer-executable instructions (col. 4, lines 3-9).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Applicant's amendment necessitated the new ground(s) of rejection presented

in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (7571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X L Bautista
Primary Examiner
Art Unit 2179

xlb
15 March 2005